

Regular meeting of the City Council : Austin, Texas, July 25th 1912.

The Council was called to order by the Mayor: Roll called :

Present Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Absent none.

The minutes of the last regular and subsequent recessed meetings were read and adopted

Unfinished business :

The mayor laid before the Council a resolution ordering the improvement of a certain portion of Colorado street, in the City of Austin; and approving specifications, proposal contract and bond therefor.

Whereas, it is deemed necessary to improve the following street of the City of Austin within the following limits to-wit:

Colorado street from south property line of west second street to the south property line of west fourth street; and,

Whereas, the City Engineer of this City has this day filed with the City Council complete specifications for the performance of the said work, by paving the said street with the Bitulithic pavement upon the five inch ^{concrete} gravel foundation with concrete gutters along curb lines eighteen inches wide, and necessary excavation; and,

Whereas, the Texas Bitulithic Company has filed with the City Council a proposal to do said work at and for the following prices, to-wit:

For earth and loose rock excavation	\$ 35 per cubic yard
For excavation solid rock	3.00 per cubic yd
For Bitulithic paving including 5 inch gravel concrete foundation	

as specified and concrete gutters with five years maintenance 2.21 per Sq yd ; and,

Whereas, the City Attorney has prepared a contract for said work, between the City and the Texas Bitulithic Company and also a bond for the construction and maintenance thereof by the said company, with the United States Fidelity and Guarantee Company as surety, and has submitted the same to the City Council; therefore,

Be it resolved by the City Council of the City of Austin :

(1) That the said street be improved by paving the same with the Bitulithic pavement within the limits above named with five inch gravel concrete foundation, necessary excavation and concrete gutters, all as set forth in said specifications.

(2) That the said specifications for said work prepared by the City Engineer be and the same are hereby adopted, and that the proposal of the Texas Bitulithic Company to perform the said work be accepted and the said work let to said Company, and that the certain contract prepared and submitted by the City Attorney for the performance of said work on said street be and the same is hereby approved, and that the mayor of the City be and he is hereby directed upon the taking effect hereof to execute said contract on behalf of the City and in its name and the City Clerk to attest the same with the impress of the corporation seal ; that the form of the construction and maintenance bond submitted by the City Attorney for execution by said Texas Bitulithic Company in connection with the work of improving said street, be and the same is hereby approved, and the United States Fidelity and Guarantee Company be and the same is hereby approved as surety thereon and that the same be accepted by the City of Austin upon execution by said principal and surety .

(3) That the cost of the said improvement shall be paid as follows, to-wit:

(a) The City shall pay to the said contractor the whole cost of the improving the intersections of other streets and alleys with said street named to be improved; except, so much thereof as may be occupied by the rails and tracks of any person, firm or

Paving Colorado
Street
2nd/4th

Contract
Awarded Texas
Bitulithic Co

corporation, and twelve inches on the outside of said rails within which limits the cost of such improvement shall be borne by such person, firm or corporation. and such person, firm or corporation shall also bear and pay the cost of said improvement between and ~~xxxxxx~~ inside of its said rails and track and twelve inches on the outside thereof, and upon other portions of said street named to be paved in addition to said intersections.

(b) The remainder of the cost of said improvement shall be paid by the owners of property abutting thereon, and assessed against them and their property in accordance with the charter and ordinances of this city; provided, that no assessment shall be made against any owner or his property, in excess of the actual benefits to the said property in enhanced value by means of said improvement nor until after notice and hearing to said owner as provided by said charter and ordinances.

(4) That this resolution shall remain on file with the City Clerk for public inspection for one week before the final passage or adoption thereof and shall then be finally adopted.

Approved, J Bouldin Rector, City Attorney.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Powell presented a report from the City Engineer as to paving assessments on Colorado street from 2nd to 4th streets, which was read.

Councilman Powell presented the following resolution:

Resolution approving City Engineers report concerning improvements on Colorado street in the City of Austin, and directing a hearing to property owners concerning the assessment for a part of the cost of such improvements against them and their property, fixing a time for said hearing and directing that a notice be given to said property owners concerning the said hearing.

Whereas, the City Council of the City of Austin has heretofore determined to improve Colorado street from the north property line of second street to the south property line of fourth street by paving the same with Bitum-lithic pavement upon gravel concrete foundation with concrete gutters along curb line and necessary excavation, and has adopted specifications for said work, and has entered into a contract for the same with the Texas Bitum-lithic Company, a corporation; and,

Whereas, the City Engineer of the City of Austin has this day filed his report in writing with the City Council, showing the total cost of the said improvements upon the said street, the amount per front foot of abutting property to be paid by the owners thereof and also the names of persons, estates or corporations owning property abutting on said improvement, with a description of their property and a statement of the total amount payable by each of said owners for said improvements; and,

Whereas, the City Council has examined the said report and finds the same correct; and,

Whereas, the necessity exists that a portion of the cost of said improvements should be assessed against said property owners and their property, subject to the terms of the Charter of the City and the ordinance in such cases made and provided, and after the notice and hearing provided by said

Engineer Report
Paving Colorado
from 2nd to 4th

Charter and ordinance, Now Therefore,

Be it resolved by the City Council of the City of Austin :

1. That the said report of the City Engineer be and the same is hereby approved and adopted.

2. That a portion of the cost of making the said improvements shall be assessed against said owners of property ^{Week} abutting on Colorado street in the City of Austin, between its intersection with ~~East~~ ^{Week} second street and its intersection with ~~East~~ ^{Week} fourth street, and against the said property; that the said assessment shall be made at the rate of \$ 6.6176 per front foot of such property between 2nd and 3rd streets, and \$ 7.59 1/3 per front foot of such property between 3rd and 4th streets, in accordance with the front foot ^{rule} ~~rule~~ or plan, in proportion ~~as~~ the frontage of each owner in each block of said street is to whole frontage in that block to be improved, provided, that if said rule of apportionment shall appear to the Council to be unjust or unequal in any particular case, or to result in an assessment in excess of the benefits received through said improvement by any owner or his property, the City Council shall adopt such rule of apportionment as shall effect substantial equality and justice between said property owners, considering benefits received and burdens imposed upon said owners, and that in no event shall any assessment be made in excess of the actual benefits received by the owners of said property through the enhanced value thereof by means of said improvement.

3. That a hearing shall be given before the Council to said property owners on the 2nd day of August, 1912, at 10 o'clock A M, at the Council chamber in the City Hall in the City of Austin, Texas, at which hearing said property owners, their agents or attorneys shall be fully and fairly heard as to all matters concerning the said improvement or any irregularity or invalidity in the proceedings with reference thereto, or as to the benefits thereof, if any, to their property, and as to the assessment proposed to be made against them and their property, and as to any other matter or thing connected therewith.

At which hearing the said owners shall have the right to produce witnesses and testimony and which hearing shall be adjourned from time to time and from day to day until all are fully heard, and all matters in connection with the said improvements and assessment fully ascertained; that after the said hearing shall be closed, said City Council will proceed to assess against owners of property upon said street and their property who shall agree with said Council upon the said assessments, such sums as may be so agreed upon and determined as provided by the Charter of the City and the said ordinance; that as to any such property owner who may not so agree, the City Council will, after said hearing, appoint a commission to determine said assessments, and will take such further steps in ascertainment thereof as are provided by the Charter and ordinance.

4. That the Superintendent of Streets and Public Improvements of the City of Austin is hereby directed to give notice hereof to the said property owners, their agents and attorneys, by publication of a copy of this resolution not less than twice in the Austin Tribune, a daily paper of general circulation in the City of Austin, the first publication to be not less than five days prior to the date of said hearing; and in addition thereto said officer is hereby directed to give written notice of said hearing by posting a copy hereof to each of said owners, if their addresses be known, or if unknown, then to their agent or attorney if known; said copies to be deposited in the Post Office at the City of Austin not less than five days prior to the date set for the said hearing; that the said notice by posting shall be cumulative of and in addition to said notice of publication, which notice by publication shall be a sufficient and legal notice.

5. This resolution shall take effect from and after its passage.

Approved, J Bouldin Rector, City Attorney.

The resolution was adopted by the following vote:

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Powell presented a report from the City Engineer as to paving assessment on second street, between Colorado and Brazos streets, which was read.

Councilman Powell offered the following resolution :

Resolution approving City Engineers report concerning improvements on second street in the City of Austin, and directing a hearing to property owners concerning the assessment for a part of the cost of such improvements against them and their property, fixing a time for said hearing and directing that a notice be given to said property owners concerning the said hearing.

Whereas, the City Council of the City of Austin has heretofore determined to improve second street from the west property line of Colorado street to the east property line of Brazos street by paving the same with the Bitulithic pavement upon gravel concrete foundation with concrete gutters along curb lines and necessary excavation, and has adopted specifications for said work, and has entered into contract for same with the Texas Bitulithic Company, a corporation; and,

Whereas, the City Engineer of the City of Austin has this day filed his report in writing with the City Council, showing the total cost of the said improvements upon the said street, the amount per front foot of abutting property to be paid by the owners thereof and also the names of the persons, estates or corporations owning property abutting on said improvement, with a description of their property and a statement of the total amount payable by each of said owners for said improvements; and,

Whereas, the City Council has examined the said report and finds the same correct; and,

Whereas, the necessity exists that a portion of the cost of said improvement should be assessed against said property owners and their property, subject to the terms of the Charter of the City and the ordinance in such cases made and provided, and after the notice and hearing provided by said Charter and ordinance, Now Therefore,

Be it resolved by the City Council of the City of Austin :

1. That the said report of the City Engineer be and the same is hereby approved and adopted.
2. That a portion of the cost of making the said improvements shall be assessed against said owners of property abutting on second street in the City of Austin, between its intersection of Colorado street and its intersection with Brazos street, and against the said property; that the said assessment shall be made at the rate of \$ 7.59 1/3 per front foot of such property, in accordance with the " front foot " rule or plan in proportion as the frontage of each owner on said street is to the whole frontage to be improved provided, that if said rule of apportionment shall appear to the Council to be unjust or unequal in any particular case, or to result in an assessment in excess of the benefits received through said improvement by any owner or his property, the City Council shall adopt such rule of apportionment as shall effect substantial equality and justice between said property owners, considering benefits received by and burdens imposed upon said owners, and that in no event shall any assessment be made in excess of the actual benefits received by the owners of said property through the

enhanced value thereof by means of said improvement.

3. That a hearing shall be given before the Council to said property owners on the 2nd day of August 1912, at 10 o'clock A.M., at the Council chamber in the City Hall in the City of Austin, Texas,; at which hearing said property owners, their agents or attorneys shall be fully and fairly heard as to all matters concerning the said improvement or any irregularity or invalidity in the proceedings with reference thereto, or as to the benefits thereof, if any, to their property, and as to the assessment proposed to be made against them and their property, and as to any other matter or thing connected therewith.

At which hearing the said owners shall have the right to produce witnesses and testimony, and which hearing shall be adjourned from time to time and from day to day until all are fully heard, and all matters in connection with the said improvement and assessment fully ascertained; that after the said hearing shall be closed, said City Council will proceed to assess against owners of property upon said street and their property who shall agree with said Council upon the said assessments, such sums as may be so agreed upon and determined as provided by the Charter of the City and the said ordinance; that as to any such property owner who may not so agree, the City Council will, after said hearing, appoint a commission to determine said assessments, and will take such further steps in the ascertainment thereof as are provided by the Charter and ordinance.

4. That the Superintendent of Streets and Public Improvements of the City of Austin is hereby directed to give notice hereof to the said property owners, their agents and attorneys, by publication of a copy of this resolution not less than twice in the Austin Tribune, a daily paper of general circulation in the City of Austin, the first publication to be not less than five days prior to the date of said hearing; and in addition thereto said officer is hereby directed to give written notice of said hearing by posting a copy hereof to each of the said owners, if their address be known, or if unknown, then to their agent or attorney, if known,; said copies to be deposited in the Post Office at the City of Austin not less than five days prior to the date set for the said hearing; that the said notice by posting shall be only cumulative of and in addition to said notice of publication, which notice by publication shall be a sufficient and legal notice.

5. That this resolution shall take effect from and after its passage.

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Powell presented the report of the City Engineer as to paving assessment on Brazos street from second to fourth streets, which was read.

Councilman Powell offered the following resolution :

Resolution approving City Engineers report concerning improvements on Brazos street in the City of Austin, and directing a hearing to property owners concerning the assessment for a part of the cost of such improvements against them and their property, fixing a time for said hearing and directing that a notice be given said property owners concerning the said hearing.

Whereas, the City Council of the City of Austin has heretofore determined to improve Brazos street from the north property line of second street to the south property line of fourth street by paving the same with Bitulithic pavement upon gravel concrete foundation with concrete gutters along curb line and necessary excavation, and has adopted specifications for said work, and has entered into a contract for the same with the Texas Bitulithic Company, a corporation; and,

Whereas, the City Engineer of the City of Austin has this day filed his report in writing

Engineer's Report
Paving Brazos
St. from 2nd to 4th

with the City Council, showing the total cost of the said improvements upon the said street, the amount per front foot of abutting property to be paid by the owners thereof and also the names of persons, estates or corporations owning property abutting on said improvements, with a description of their property and a statement of the total amount payable by each of said owners for said improvements; and,

Whereas, the City Council has examined the said report and finds the same correct: and,

Whereas, the necessity exists that a portion of the cost of said improvements shall be assessed against said property owners and their property, subject to the terms of the Charter of the City and the ordinance in such cases made and provided, and after the notice and hearing provided by said Charter and ordinance, Now Therefore,

Be it resolved by the City Council of the City of Austin: m

1. That the report of the City Engineer be and the same is hereby approved and adopted.

2. That a portion of the cost of making the said improvements shall be assessed against said owners of property abutting on Brazos street in the City of Austin, between its intersection with East second street and its intersection with East fourth street, and against the said property; that the said assessment shall be made at the rate of \$ 7.4641 per front foot of such property between second and 3rd streets, and \$ 7.59 1/3 per front foot of such property between 3rd and 4th streets, in accordance with the "front foot" rule or plan, in proportion as the frontage of each owner in each block of said street is to the whole frontage in that block to be improved provided, that if said rule of apportionment shall appear to the Council to be unjust or unequal in any particular case, or to result in an assessment in excess of the benefits received through said improvement by any owner or his property, the City Council shall adopt such rule of apportionment as shall effect substantial equality and justice between said property owners, considering benefits received by and burdens imposed upon said owners, and that in no event shall any assessment be made in excess of the actual benefits received by the owners of said property through the enhanced value thereof by means of said improvement.

3. That a hearing shall be given before the Council to said property owners on the 2nd day of August 1912, at 10 O'cl ok A M, at the Council chamber in the City Hall in the City of Austin, Texas; at which hearing, said property owners, their agents or attorneys, shall be fully and fairly heard as to all matters concerning the said improvement or any irregularity or invalidity in the proceedings with reference thereto, or as to the benefits thereof, if any, to their property, and as to the assessment proposed to be made against them and their property, and as to any other matter or thing connected therewith. At which hearing the said owners shall have the right to produce witnesses and testimony, and which hearing shall be adjourned from time to time and from day to day until all are fully heard, and all matters in connection with the said improvement and assessment fully ascertained; that after the said hearing shall be closed, said Council will proceed to assess against owners of property upon said street and their property who shall agree with said Council upon the said assessments, such sums as may be so agreed upon and determined as provided by the Charter of the City and the said ordinance; that as to any other such property owner who may not so agree, the City Council will, after said hearing, appoint a

commissioners to determine said assessments, and will take such further steps in ascertainment thereof as are provided by the Charter and ordinance.

4. That the Superintendent of Streets and Public Improvements of the City of Austin is hereby directed to give notice hereof to the said property owners, their agents and attorneys, by publication of a copy of this resolution not less than twice in the Austin Tribune, a daily paper of general circulation in the City of Austin, the first publication to be not less than five days prior to the date of said hearing; and in addition thereto said officer is hereby directed to give written notice of said hearing by posting a copy hereof to each of the said owners, if their address be known, or if unknown, then to their agent or attorney if known; said copies to be deposited in the Post Office at the City of Austin not less than five days prior to the date set for the said hearing; that the said notice by posting shall be only cumulative of and in addition to said notice by publication, which said notice by publication shall be a sufficient and legal notice.

5. That this resolution shall take effect from and after its passage.

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Hart presented a petition from E M Jones asking the Council to remit a pound fee assessed against him. Council man Hart moved that the petition be not granted, which motion prevailed by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Hart offered the following resolution :

It appearing to the City Council that on the 1st and 19th days of July the following stock were impounded in the city pound to-wit:

Mrs Reeves 3 cows	fees	\$ 4.50
Mrs Lockwood	4 cows	6.00
W D Miller	1 calf	1.50

That the cows of Mrs Reeves and Mrs Lockwood were being herded by a boy on the river and escaped from him, that the women are very poor and are dependent on the cows to some extent for their living, and they promise that there will be no recurrence of the accident and the Supt Police & Public Safety recommending a remission of the fees: Be it resolved by the City Council of the City of Austin : That the fees paid by said parties be and the same are hereby remitted, and as to W D Miller it appearing that his calf accidentally escaped from his lot on the south side and that he does not turn his stock at large, and this being the first occurrence and the Supt of Police and Public Safety recommending the remission of said fee:

Be it resolved by the City Council of the City of Austin : that said fee of \$ 1.50 paid by said Miller be and the same is hereby remitted, and said sum of money being still in the hands of the Clerk of the Corporation Court, said officer is hereby authorized and directed to refund same to the proper parties.

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5

Nays none.

Councilman Hart presented the following petition :

Austin, Texas, July 22nd 1912.

Mr Jas P Hart,

Esteemed sir:

*E M Jones
pound fee*

*Pound fees
Sunday morning*

W. L. Gans.
Building Permit

We herewith respectfully request you to make application for us, for permission to repair and re-floor the gallery on the north side 3rd street of our building at No 223 Congress Avenue, on north half of Block 6 Block 18,

Respectfully

Mrs C L Gans

Mrs C M C Sample.

On motion of Councilman Hart the petition was granted by the following vote;

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 15
Nays none.

Mayor Wooldridge offered the following resolution :

Be it resolved by the city council of the city of Austin :

Section 1. That permission is hereby granted G Flury to erect, maintain and operate trash cans in, through and along the streets of the city of Austin, Texas.

Section 2. That the trash cans hereby authorized to be erected, maintained and operated by said G Flury shall not be more than twenty four inches square by thirty six inches in height, riveted at all four corners with strong angle line, the same to extend on the inside from top to bottom and three inches below to form a substantial base to elevate the container from the dampness and mud.

Said container is to be topped with steel riveted raised hinge galvanized iron collar so as to preserve the interior from rain and moisture. On the inside there shall be at all times a round heavy galvanized iron can adjusted to fit the interior of said can. The can to be finished at the top over three-eighth rod fitted so that when the can drops into place it is stationary and ready to receive all dry trash that may be omitted therein. The body of the can shall be made out of extra heavy galvanized iron in such a manner as shall be durable and attractive in appearance.

Section 3. The right is hereby granted said G Flury to place on the exterior of said cans proper advertising matter, but in no case shall any advertisement be placed upon said cans which have not been previously submitted to the Mayor of the City of Austin and approved by him.

Section 4. That said G Flury can place said cans at such places in the city of Austin that may be directed by the Mayor, provided that no more than four cans can be placed upon the street in front of any one block and not more than twelve cans surrounding one block ; and provided also, that no can shall be placed in front of any property should the owner, lessee or occupant of said property object thereto.

Section 5. That it shall be the duty of said G Flury to keep said cans in their exterior appearance and at all times in first class working condition, and should any can become unsightly or unclean and unfit for service, the Mayor of the City of Austin is hereby authorized to have such can removed from such street.

Section 6. That the permit herein and hereby granted is not to be deemed in any sense of the word as exclusive, and a like privilege may at any time

Trash Cans.

G Flury to operate

The Council then recessed subject to call .

Saturdat July 27th 1912.

The Council was called to order by the Mayor with all members present except Councilman Powell :

Mayor Wooldridge offered the following resolution:

Be it resolved by the City Council of the City of Austin :
That onehundred (\$100.00) dollars of the appropriation heretofore made in the budget of 1912, for the salary of Public Weigher be and the same is hereby appropriated for miscellaneous expenses for the department of Public Weigher.

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge, Councilmen Bartholomew, Hart, Haynes & Powell 5
Nays none .

Councilman Hart offered the following resolution :

It appearing to the City Council that the following named defendants were fined in the Corporation Court on July 16th for bathing in the Colorado River insufficiently clothed to prevent an indecent exposure of their persons, that they have either paid or worked out their respective fines reducing the same to the following amounts, viz:

Vernon Dixon	Balance	\$ 9.00
S Russell	do	17.00
Wm Rayford	do	9.00
H Henderson	do	9.00
Willie Jackson	do	9.50
Wm Brown	do	9.30
L Cleveland	do	10.00
Tom Williams	do	9.00
H Barboza	do	7.30

and the Council being of the opinion that said defendants have been sufficiently punished and the Supt of Police & Public Safety recommending the remission of the balance due by said defendants :

Be it resolved by the City Council of the City of Austin :
that said balance due by said respective defendants be and the same is hereby remitted .

The resolution was adopted by the following vote :

Yeas Mayor Wooldridge & Councilmen Bartholomew, Hart & Haynes 4
Absent Councilman Powell 1

The Council then recessed subject to call.

Transferred

Fines Remitted

Tuesday July 30th 1912.

The Council was called to order by the Mayor with all members present.

On motion of Councilman Bartholomew, leave of absence for 14 days was granted to
H W Heierman ,beginning day of 1912.

On motion of Councilman Hart leave of absence was granted Dr Geo M Dechard for 30
days from August 1st 1912.

The Council then adjourned.

Geo. O. Johnson
City Clerk.

*Leave absence
H W Heierman*

Geo M Dechard